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FILED
STATE OF CALIFORNIA
PHYSICAL THERAPY BOARD OF CALIFORNIA
SACRAMENTO, CA December 15, 2011
BY Carole Phelps ANALYST

8 BEFORE THE
9 PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation and Petition to
Revoke Probation Against:

12 **RICHARD ARLIN BASACKER, PTA**
13 **1611 Silkwood Drive**
14 **Modesto, CA 95350**

15 **Physical Therapist Assistant License No. AT**
16 **1235**

17 Respondent.

Case No. 1D-2011-71148

ACCUSATION AND PETITION TO
REVOKE PROBATION

18
19 Complainant alleges:

20 PARTIES

21 1. Rebecca Marco (Complainant) brings this Accusation solely in her official capacity
22 as the Executive Officer of the Physical Therapy Board of California, Department of Consumer
23 Affairs.

24 2. On or about March 12, 1986, the Physical Therapy Board of California issued
25 Physical Therapist Assistant License Number AT 1235 to Richard Arlin Basacker, PTA
26 (Respondent). The Physical Therapist Assistant License was in full force and effect at all times
27 relevant to the charges brought herein and expired on October 31, 2011, unless renewed.

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3. On or about May 16, 2011, Respondent's license was revoked, then the revocation was stayed with imposition of a ninety (90) day suspension, then a stayed revocation for a period of five (5) years of probation was imposed with various terms and conditions. This probation of respondent's license was based on a criminal misdemeanor conviction that respondent suffered in 2005 for carrying a concealed weapon; his commission of the underlying corrupt act of not only carrying the concealed weapon, but also engaging in violent and threatening behavior; his dishonesty about the conviction when he failed to disclose said conviction on a licensing renewal application; and respondent's corrupt act in 2007 where he was in possession of methamphetamine, while in possession of a loaded rifle.

JURISDICTION

4. This Accusation is brought before the Physical Therapy Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

5. Section 2660 of the Code states:

The board may, after the conduct of appropriate proceedings under the Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose probationary conditions upon any license, certificate, or approval issued under this chapter for unprofessional conduct that includes, but is not limited to, one or any combination of the following causes:

(h) Conviction of a violation of any of the provisions of this chapter or of the Medical Practice Act, or violating, or attempting to violate, directly or indirectly any provision or term of this chapter of the Medical practice Act.

6. Section 2227, states in relevant part, that a licensee who has entered into a stipulation for disciplinary action can have their license revoked, suspended or placed on probation.

7. Section 2661.5(a) of the Code provides that in any order issued in resolution of a disciplinary proceeding before the board, the board may request the administrative law judge to direct any licensee found guilty of unprofessional conduct to pay the board a sum not to exceed the actual and reasonable costs of the investigation and prosecution of the case.

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1 8. Section 2661.5(e)(1) of the Code provides in relevant part that the board shall not
2 renew or reinstate the license of any person who has failed to pay all of the costs ordered under
3 this section.

4 FIRST CAUSE FOR DISCIPLINE AND CAUSE TO REVOKE PROBATION

5 (Failure to Participate in Board's Diversion Program)

6 9. Respondent is subject to disciplinary action for unprofessional conduct under sections
7 2660, 2660(h) and 2227, and his probation is subject to revocation, in that on or about June 14,
8 2011, respondent's probation monitor reviewed the terms of probation in the hearing decision
9 with respondent by telephone and that thereafter, respondent refused to respond to any phone
10 calls made or correspondence sent by the Board's probation monitor. At all times after the
11 effective date of Respondent's probation, Precedent Condition 3 provides, in relevant part, that
12 "Within 15 days from the effective date of this decision, respondent shall enroll and participate in
13 the Board's Diversion Program at respondent's cost until the diversion program determines that
14 participation in the Diversion Program is no longer necessary. Failure to comply with
15 requirements of the Diversion Program....shall constitute a violation of probation..." Respondent
16 has failed to provide proof of compliance with this condition of probation.

17 SECOND CAUSE FOR DISCIPLINE AND CAUSE TO REVOKE PROBATION

18 (Failure to Complete Ethics Course)

19 10. Respondent is subject to disciplinary action under sections 2660, 2660(h) and 2227,
20 and his probation is subject to revocation, in that on or about June 14, 2011, respondent's
21 probation monitor reviewed the terms of probation in the hearing decision with respondent by
22 telephone and that thereafter, respondent refused to respond to any phone calls made or
23 correspondence sent by the Board's probation monitor. At all times after the effective date of
24 Respondent's probation, Standard Condition 31 provides, in part, that "Within 30 days of the
25 effective date of this Decision, respondent shall submit to the Board, or its designee, for prior
26 approval, a physical therapy remedial educational program in ethics which shall not be less than
27 20 hours." Respondent has failed to provide proof of compliance with this condition of
28 probation.

1 THIRD CAUSE FOR DISCIPLINE AND CAUSE TO REVOKE PROBATION

2 (Failure to participate in Biological Fluid Testing)

3 11. Respondent is subject to disciplinary action under sections 2660, 2660(h) and 2227,
4 and his probation is subject to revocation, in that on or about June 14, 2011, respondent's
5 probation monitor reviewed the terms of probation in the hearing decision with respondent by
6 telephone and that thereafter, respondent refused to respond to any phone calls made or
7 correspondence sent by the Board's probation monitor. At all times after the effective date of
8 Respondent's probation, Standard Condition 30 provides in relevant part, that "Respondent shall
9 immediately submit to biological fluid testing, including testing for the presence of steroids, at
10 respondent's cost..." Respondent has failed to provide proof of compliance with this condition of
11 probation.

12 FOURTH CAUSE FOR DISCIPLINE AND CAUSE TO REVOKE PROBATION

13 (Failure to Take and Pass Psychiatric Evaluation)

14 12. Respondent is subject to disciplinary action under sections 2660, 2660(h) and 2227,
15 and his probation is subject to revocation, in that on or about June 14, 2011, respondent's
16 probation monitor reviewed the terms of probation in the hearing decision with respondent by
17 telephone and that thereafter, respondent refused to respond to any phone calls made or
18 correspondence sent by the Board's probation monitor. At all times after the effective date of
19 Respondent's probation, Precedent Condition 2 provides, in relevant part, that "Within 30
20 calendar days of the effective date of this Decision, and on whatever periodic basis thereafter may
21 be required by the Board or its designee, respondent shall undergo and complete a psychiatric
22 evaluation (and psychological testing, if deemed necessary)..." Respondent has failed to provide
23 proof of compliance with this condition of probation.

24 FIFTH CAUSE FOR DISCIPLINE AND CAUSE TO REVOKE PROBATION

25 (Failure to Successfully Complete the California Law Exam)

26 13. Respondent is subject to disciplinary action under sections 2660, 2660(h) and 2227,
27 and his probation is subject to revocation, in that on or about June 14, 2011, respondent's
28 probation monitor reviewed the terms of probation in the hearing decision with respondent by

1 telephone and that thereafter, respondent refused to respond to any phone calls made or
2 correspondence sent by the Board's probation monitor. At all times after the effective date of
3 Respondent's probation, Standard Condition 18 provides, in relevant part, that "Within 90 Days
4 of the effective date of this decision, respondent shall take and pass the Board's written
5 examination on the laws and regulations governing the practice of physical therapy assisting in
6 California..." Respondent has failed to provide proof of compliance with this condition of
7 probation.

8 SIXTH CAUSE FOR DISCIPLINE AND CAUSE TO REVOKE PROBATION

9 (Failure to Pay Cost Recovery)

10 14. Respondent is subject to disciplinary action under sections 2660, 2660(h) and 2227,
11 and his probation is subject to revocation, in that on or about June 14, 2011, respondent's
12 probation monitor reviewed the terms of probation in the hearing decision with respondent by
13 telephone and that thereafter, respondent refused to respond to any phone calls made or
14 correspondence sent by the Board's probation monitor. At all times after the effective date of
15 Respondent's probation, Standard Condition 1 provides, in relevant part, that "...respondent is
16 ordered to reimburse the Board the actual and reasonable investigative and prosecutorial costs
17 incurred by the Board in the amount of \$12,782.50" Respondent has failed to provide proof of
18 compliance with this condition of probation.

19 DISCIPLINARY CONSIDERATIONS

20 15. To determine the degree of discipline, if any, to be imposed on Respondent,
21 Complainant alleges that on or about May 16, 2011, in a prior disciplinary action entitled *In the*
22 *Matter of the Amended Accusation Against Richard Basacker* before the Physical Therapy Board,
23 Department of Consumer Affairs, in Case Number 1D-2005-64464, Respondent's license was
24 revoked, with revocation stayed for a period of five (5) years of probation with various terms and
25 conditions. That decision is now final and is incorporated by reference as if fully set forth.

26 PRAYER

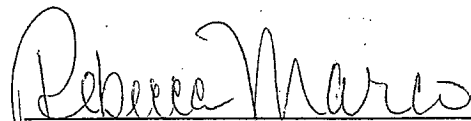
27 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
28 and that following the hearing, the Physical Therapy Board of California issue a decision:

1 1. Revoking or suspending Physical Therapist Assistant License Number AT 1235,
2 issued to Richard Arlin Basacker, PTA;

3 2. Ordering Richard Arlin Basacker, PTA to pay the Physical Therapy Board of
4 California the reasonable costs of the investigation and enforcement of this case, pursuant to
5 Business and Professions Code section 2661.5;

6 3. Taking such other and further action as deemed necessary and proper.
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9 DATED: December 15, 2011


REBECCA MARCO
Executive Officer
Physical Therapy Board of California
Department of Consumer Affairs
State of California
Complainant

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